

Welcome!

Self-Determination Program (SDP)

Informational Meeting

REFERENCE MATERIALS (left side)

- SDP Background Document
- SDP Frequently Asked Questions (FAQs)
- SDP List of Services
- SDP Definitions of Services → *DRAFT Services*
- SDP Statute – Welfare and Institutions Code 4685.8
- SDP Local Volunteer Advisory Committee and State Council on Developmental Disabilities Contact and Information

MATERIALS FOR INFORMATIONAL MEETINGS (right side)

- Trainer Guide
- Informational Meeting PowerPoint → *Base PowerPoint for Re-enrollment Info mtg*
- Informational Meeting Attendance Sheet

QUESTIONS

For more information and updates regarding the Self-Determination Program, visit www.dds.ca.gov/sdp.

Any questions regarding the Self-Determination Program from consumers, families, or organizations, may be sent to sdp@dds.ca.gov.

1. WHAT IS SELF DETERMINATION?

- a. "Self-determination" means a voluntary delivery system consisting of a defined and comprehensive mix of services and supports, selected and directed by a participant through person-centered planning, in order to meet the objectives in his or her Individual Program Plan (IPP). Self-determination services and supports are designed to assist the participant to achieve personally defined outcomes in community settings that promote inclusion.ⁱ
- b. The Self-Determination Program (SDP) only funds services and supports that the federal Centers for Medicare and Medicaid Services determines are eligible for federal financial participation.ⁱⁱ
- c. The SDP is a program where an individual (or his or her parents or legal representative) is given a specific budget from which they can purchase the services and supports that they need to make their person-centered service plan work for them. Individuals will have more flexibility and choice, and greater control over selecting their services and supports, in order to meet their own needs.
- d. Five Principles of SDPⁱⁱⁱ
 - i. **Freedom** – To exercise the same rights as all citizens. Individuals can freely choose where and with whom they live, how they occupy their time, and who supports them.
 - ii. **Authority** – To control their individual budget and purchase services and supports of their choosing.
 - iii. **Support** – To arrange resources and personnel, both formal and informal, that will assist the individual to live a life integrated in his or her community.
 - iv. **Responsibility** – To take responsibility for decisions in their own lives and to be accountable for the use of public dollars and to accept a valued role in their community through, for example, competitive employment, organizational affiliations, spiritual development, and general caring of others in their community.
 - v. **Confirmation** – Of the critical role of participants and their families in making decisions in their own lives and designing and operating the system on which they rely.

2. HISTORY OF SDP

- a. **Lanterman Developmental Disabilities Act^{iv}**
 - i. The California law that gives people with developmental disabilities the right to the services and supports they need to live a more independent and normal life. The Act is part of the California Welfare and Institutions Code (W&I Code Sections 4500 – 4905)
 - ii. The law ensures that each person is entitled to receive the services and supports that meet their needs and choices.
- b. **SDP Pilot project**
 - i. In 1998, the Legislature expanded the Lanterman Developmental Disabilities Services Act to include self-determination pilot projects.

Currently, there are five regional centers with approximately 100 participants in the pilot.

ii. Current list of Regional Centers (RCs) in the SDP pilot:

1. San Diego
2. Tri-Counties
3. Eastern LA
4. Kern
5. Redwood Coast

c. **SDP in the law – Senate Bill No. 468 (SB 468)**

- i. SB 468 was signed into law on October 9, 2013. Upon approval of federal funding, SB 468 requires the Department of Developmental Services (DDS) to establish and implement a Statewide SDP that would be available in every regional center catchment area.
- ii. The SDP is a voluntary program and individuals may exit SDP at any time. Regional centers must ensure there is not a gap in services and supports during the transition.
- iii. The law provided that program participants receive an individual budget to be used for the purchase of services and supports necessary to implement their IPP.
- iv. The Statewide program will be phased in over 3 years, serving up to 2,500 regional center consumers during the phase-in period. After the phase-in period, the SDP will be available on a voluntary basis to all eligible regional center consumers except those consumers who reside in licensed long-term health care facilities as defined in Title 17 Section 54302(a)(44). Individuals (or his or her parents or legal representative) who are not eligible to participate in the SDP may request that the regional center provide person-centered service planning in order to make arrangements for transition to the SDP, provided that he or she is reasonably expected to transition to the community within 90 days.
- v. To protect the health and safety of participants in the SDP, the law requires non-vendored providers of services and supports who meet specified criteria to submit to a criminal background check. Fingerprint images and related information will be submitted to the Department of Justice (DOJ) for clearance authorization.
- vi. The law requires each regional center to be responsible for implementing the SDP and to establish a local volunteer advisory committee to provide oversight of the project.

3. **KEY PLAYERS/COMPONENTS OF SDP**

- a. **Participant** – An individual (or his or her parents or legal representative) who has been deemed eligible for, and has voluntarily agreed to participate in, the Self-Determination Program.
- b. **Person-Centered Planning (PCP)** – An approach to determining, planning for and working toward the preferred future of a person with developmental disabilities and his or her family. The preferred future is what the person and family want to do in the future based on their strengths, capabilities, preferences, lifestyle and cultural background. PCP is a framework for planning and making

decisions. It is based on an awareness of, and sensitivity to, the lifestyle and cultural background of the consumer and family.

- c. **Individual Program Plan (IPP)** – A plan and provision of services and supports by the regional center system centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, where appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments.
- d. **The IPP team** – A team of people chosen by the participant including, but not limited to FMS, IF, regional center service coordinator, family, etc., shall utilize the person-centered planning process to develop the IPP for a participant. The IPP shall detail the goals and objectives of the participant that are to be met through the purchase of participant-selected services and supports.
- e. **Independent Facilitator** – Chosen and directed by the participant, the independent facilitator helps with locating, accessing, and coordinating services and supports consistent with the participant's IPP. The cost of an independent facilitator is paid out of the participant's individual budget. . (*Participants who do not wish to work with an Independent Facilitator may have their regional center service coordinators fulfill the role*).
- f. **Financial Management Services Provider** – Chosen by the participant and vendored by a regional center, assists the participant in managing and distributing funds contained in his or her individual budget and ensures that financial resources are available to implement his or her IPP throughout the year.
- g. **Individual Budget** – The amount of regional center purchase of service (POS) funding available to the participant for the POS and supports necessary to implement the IPP. The individual budget is determined by using a fair, equitable, and transparent methodology. The participant manages the Self-Determination Program services and supports within his or her individual budget.
- h. **Regional Center (RC)s** – Private, non-profit agencies under contract with DDS that provide individuals with access to an array of services and supports best suited to meet their needs and choices throughout their lifetime.
- i. **Local Volunteer Advisory Committee (LVAC)** – Established by each regional center to provide oversight of SDP. The committee consists of the regional center clients' rights advocate, consumers, family members, and other advocates, and community leaders. Consumers and their family members should make up a majority of the committee. The committee should reflect the multicultural diversity and geographic profile of the catchment area. The committee reviews the development and ongoing progress of the SDP, including whether the program advances the principles of self-determination and is operating consistent with the requirements, and may make ongoing recommendations for improvement to the RC and the department.
- j. **Statewide Self-Determination Advisory Committee (SSDAC)** – The State Council on Developmental Disabilities formed the SSDAC, comprised of the chairs of the 21 local advisory committees or their designees. The SSDAC convenes twice annually, or more frequently in the sole discretion of the council, to identify self-determination best practices, effective consumer and family training materials, implementation concerns, systemic issues, ways to enhance

the program, and recommendations regarding the effective method for participants to learn of individuals who are available to provide services and supports. The council synthesizes information received from the SSDAC, LVAC, and other sources, then shares the information with consumers, families, regional centers, and the department, and make recommendation to increase the program's effectiveness in furthering the principles of self-determination.

- k. **Department of Developmental Services (DDS)** – To ensure that the program is available to all consumers regardless of geographic location, economic or educational background, or ethnicity, and provide oversight and monitoring of funds used for the SDP and to ensure that these outcomes are achieved.

ⁱ For complete language, please reference [WIC 4685.8\(c\)\(6\)](#).

ⁱⁱ For complete language, please reference [WIC 4685.8\(c\)\(6\)](#).

ⁱⁱⁱ For complete language, please reference [WIC 4685.8\(z\)\(2\)\(A – E\)](#).

^{iv} Disability Rights California, [Rights Under the Lanterman Act, Chapter 1](#)

GENERAL

Q. What is the Self-Determination Program?

A. The Self-Determination Program allows participants the opportunity to have more control in developing their service plans and selecting service providers to better meet their needs.

Q. When does the Self-Determination Program start; can I enroll now?

A. The program will be available once the state receives approval on the self-determination program federal waiver application. Upon approval of the Waiver application, the Self-Determination Program will be implemented for up to 2,500 participants during the first three years. After the three year phase-in period, the program will be available to all consumers.

Q. How can I keep updated on the progress of the Self-Determination Program?

A. Updates will be posted, as they become available, on the Department of Developmental Services (DDS) Self-Determination website. To sign up for updates please send an email to sdp@dds.ca.gov, and ask to be included on the update notification list.

Q. How can someone learn more about the Self-Determination Program?

A. Interested consumers, families, or others are encouraged to visit the DDS [Self-Determination Program website](#) to find out more information about California's Self-Determination Program.

Q. What is the projected date for CMS approval of the SDP waiver application?

A. Once the SDP waiver application is re-submitted, CMS has 3 months to either approve or deny the application or ask for more information. DDS has been receiving technical assistance from CMS to resolve questions regarding the SDP waiver application. Once this is complete and minor modifications are made to the application, the state will re-submit the waiver application.

Q. What is person-centered planning and how does it relate to the individual program plan?

A. Person-centered planning is about the individual's future and reaching his or her goals. The process should be driven by the individual and include other people, such as family or friends, only if the individual chooses to include them in the process. Once the individual has made choices about what he or she wants, an individual program plan (IPP) is written based on the individual's decisions. The IPP lays out the individual's goals and what is needed to reach those goals, including necessary services and supports.

CRIMINAL BACKGROUND CHECKS

Q. Who is required to get a background check? Will parents and family members need one also?

A. A criminal background check is required for people providing direct personal care to a consumer, including family members.

Q. Can a consumer request that a provider obtain a background check?

A. Yes. Consumers or the consumer's financial management service provider may request a background check for non-vendored providers of services and supports.

Q. Who is responsible for paying for the background check?

A. The person providing services or his or her employing agency.

FINANCIAL MANAGEMENT SERVICES

Q. What are Financial Management Services?

A. Financial Management Services (FMS) help participants manage their individual budgets by paying bills and managing the payroll for support workers.

Q. Does everyone have to have an FMS provider?

A. Yes. The participant is required to utilize the services of an FMS provider of his or her choosing. The FMS provider must be vendored by a regional center.

Q. Who pays for the cost of my FMS provider?

A. The cost of the FMS provider will be paid by the participant out of his or her individual budget. The SDP offers additional flexibility and options regarding who provides services and supports, including non-vendored providers. As a result, the amount the participant pays for a service could be less under the SDP.

Q. In the co-employer model, is it possible for the person receiving services and their family to be part of the interview process and/or develop the interview questions?

A. Yes. The participant and any person selected and directed by the participant can be as involved as they choose to be.

Q. Who can be a Financial Management Services Provider?

A. Any entity or person, except a relative or legal guardian, chosen by the participant and meets the qualifications may be a Financial Management Services provider.

Q. As a Self-Determination Program participant, would I pay my providers directly and get reimbursed by the Financial Management Services entity, or would I submit the expenses to the Financial Management Services entity for payment to my providers?

A. Neither. The Financial Management Services Provider will pay providers directly.

Q. For individuals needing 24-hour supportive services, is overtime pay applicable whether the co-employment model or fiscal employer agent is selected?

A. Each participant will need to work with their Financial Management Services Provider to determine when overtime pay is appropriate and/or required.

INDEPENDENT FACILITATOR

Q. What type of certification or licensure should individuals request from independent facilitators?

A. An independent facilitator is required to receive training in the principles of self-determination, the person-centered planning process, and the other responsibilities consistent with coordination of services for consumers' individual program plans.

Q. Where does the independent facilitator obtain the necessary training?

A. Training for independent facilitators, with stakeholder input, is being developed by DDS. When the information on independent facilitator training is completed, the DDS Self-Determination website will be updated. The cost of training is the responsibility of the independent facilitator.

Q. What if I need help locating services and supports but choose not to work with an independent facilitator?

A. If a participant chooses not to use the services of an independent facilitator, he/she may choose to use a regional center service coordinator to provide the services and functions of the independent facilitator.

Q. Who pays the cost of the independent facilitator and how much does it cost?

A. The cost of the independent facilitator is paid through the participant's individual budget and the amount paid can be negotiated with the facilitator.

INDIVIDUAL BUDGET

Q. What is an individual budget?

A. It is the amount of money a Self-Determination Program participant has available to purchase needed services and supports.

Q. How does the individual budget amount get determined? Can my budget be adjusted?

A. The individual budget is determined by the individual program planning team, and is based upon the amount of purchase of service funds used by the individual in the most recent 12-months. This amount can be adjusted, up or down, if the individual program planning team determines that the individual's needs, circumstances, or resources have changed. Additionally, the individual program planning team may adjust the budget to support any prior needs or resources that were not addressed in the individual program plan.

Q. How does the individual budget amount get determined for an individual, who is either new to the regional center, or does not have a 12-month history of purchase of service costs?

A. For these individuals, the individual budget amount is determined by the individual program planning team by identifying the services and supports needed by the individual and available resources. The regional center will calculate the cost of providing services and supports by

using the average cost paid by the regional center for each service or support unless the regional center determines that the consumer has a unique need that requires a higher or lower cost.

Q. Are there restrictions on what the individual budget can be used for?

A. Yes, a participant can only purchase services and supports that comply with the federal HCBS regulations, as described in the Self-Determination Program Waiver, and in the individual program plan. Services funded through other generic sources (e.g. Medi-Cal) cannot be purchased out of the participant's individual budget.

Q. Is the Self-Determination Program budget and In-Home Supportive Services [budget] different?

A. Yes. In-Home Supportive Services is a generic resource and is not included or paid for through the Self-Determination Program.

Q. Will enrolling in the Self-Determination Program decrease an individual's budget for services and supports?

A. The individual budget is determined by the individual program planning team, and is based upon the amount of purchase of service funds used by the individual in the most recent 12-months with the ability to adjust if circumstances require it. The Self-Determination Program provides flexibility and expands the service options available to a participant; your budget is the same as it would be if you were obtaining services through your Regional Center.

Q. Can I use my budget to pay for recreation activities?

A. The Self-Determination Program allows you to purchase social recreation activities.

RIGHTS

Q. Do I have to enroll in the Self-Determination Program?

A. Enrollment in the Self-Determination Program is completely voluntary. Just like any other program offered under the Lanterman Developmental Disabilities Services Act in California, an individual chooses what is best for him or her. An individual may choose to leave the Self-Determination Program at any time.

Q. How much responsibility will participants or their family have if they choose to participate in the Self-Determination Program?

A. Self-Determination provides individuals more choice and flexibility in selecting services and supports, who provides them, and how money in the individual budget is spent. Participants may choose to get help with these tasks from an independent facilitator. The participant will also need to choose a Financial Management Services entity that will work with him or her to monitor an individual budget, verify provider qualifications, and pay providers.

Q. If I choose to participate in the Self-Determination Program, will I still have the same rights?

SELF-DETERMINATION PROGRAM – FAQs

A. Yes, participants enrolled in the Self-Determination Program will have the same rights established under the traditional service model (e.g. appeals, eligibility determinations, and all other rights associated with the individual program plan process).

SELECTION PROCESS

Q. What criteria will DDS use to select participants?

A. The Department of Developmental Services will randomly select the first 2,500 enrollees from among those who have attended a required Informational Meeting. This selection will be made from the names of those received by the Department of Developmental Services from the regional centers. The selection takes into consideration the following factors to ensure those selected are representative of the statewide regional center population:

- Regional Center
- Ethnicity
- Age
- Gender
- Disability diagnosis

The process for selecting and enrolling the 2,500 participants in the first three years is described on the [Self-Determination Program web page](#).

Q. Who is eligible for the Self-Determination Program?

A. An individual must meet the following eligibility requirements:

- Has a developmental disability and receives services from a regional center
- Agrees to specific terms and conditions, which include but are not limited to, participation in an orientation for the Self-Determination Program, working with a Financial Management Services entity, and managing the Self-Determination Program services within an individual budget;
- An individual who lives in a licensed long-term health care facility (i.e., a Skilled Nursing Facility or Intermediate Care Facility) is not eligible to participate in the Self-Determination Program. If an individual living in one of these facilities expresses interest in the Self-Determination Program, through the person-centered planning process he or she can request that the regional center begin making arrangements for their transition to the Self-Determination Program, provided that he or she is reasonably expected to transition to the community within 90 days.

Q. Is someone who resides at Sonoma, Porterville or Fairview Developmental Center eligible to be selected as one of the 2500 participants?

A. Yes.

SELF-DETERMINATION PROGRAM – FAQs

Q. How will the existing participants of the Self-Determination Pilot program be accounted for within the first 2,500 enrollees?

A. There are approximately 100 individuals participating in the Self-Determination Pilot program. These individuals will automatically be included in the 2,500 enrollees. They will need to attend an orientation just like new participants.

SERVICES

Q. Where can an individual find a list of services available in the Self-Determination Program?

A. For a list of services that have been proposed in the Self-Determination Program Waiver application, please visit:

http://www.dds.ca.gov/SDP/docs/ProposedServices_SDPApplication.pdf

Included in the waiver application is a description of each service proposed. Each proposed service and description is subject to approval by the Centers for Medicare & Medicaid Services. Therefore, the list linked above and the description of each service proposed are subject to change. For a description of the proposed services, please visit:

http://www.dds.ca.gov/SDP/docs/ProposedSDPWaiverSvs_Definitions.pdf

Q. Can a consumer request services through an organization that is not familiar to the regional center?

A. Other than Financial Management Services, providers of services in the waiver do not have to be vendored through the regional center.

Q. How does the HCBS Final Rule affect SDP services? For example, a camp specifically for individuals with developmental disabilities may not be an integrated setting.

A. All services selected by an SDP participant will need to be compliant with the Final Rule. Services and supports designed for those with developmental disabilities would not automatically be excluded from the SDP.

Q. Are services available to address a specialized medical need still an option with the SDP?

A. Yes. Services and supports included in the IPP can be provided through the SDP. As long as generic resources are exhausted first, a service not covered by Medi-Cal or private insurance can be provided through the SDP.